Sep Rec

File No 509_94

8 to 1 — 9 B

Indexed

B. Hammett

Interwarded

B. Wallace Rec

8-9-14

SECTION S. R.

FILE No. 50- 94

SERIAL No.

Rev.

~~CHIEF~~ SECRETARY'S OFFICE.

REVENUE BRANCH.

Excise

OFFICE NOTE.

SUBJECT. Dispute between two brothers in-law as to the right of Drug Shop License in the City of Bangalore.

LAST REFERENCE. ~~Petition~~ Rev ~~Letter~~ No. 259 dated 16-7-95

from Mahamad Sahab

Mahamad Saheb states that owing to the dispute between him and Mahamad Imam Saheb as to the ownership of the drug shop No 2 in the Bangalore City, the shop will be auctioned on the 22nd July 95 and prays:-

(1) that orders may be issued to the Excise Comr & the Deputy Comr to stay the sale of the shop pending the result of the appeal

(2) that the records of the case may be sent for and the petitioner's claims to succeed to his father's license may be considered.

3) that the license may be granted either in the name of the petitioner or jointly with his mother.

2. The petitioner and his father before him worked the shop very satisfactorily and made it a first class business, as the latter was a well known Huckerm in the City.

3. It would be very hard to put up the shop to auction.

4. I would respectfully suggest that the new License (95/96) be issued in the joint names of petitioner and his brother-in-law Mahamad Imam Saheb and that orders to sell the shop on the 22nd instant be requested to be held in abeyance pending report on the case, with file.

19/7/95 S. H. J.

SECTION S. R.

Gen. Serial No. 30.]

FILE NO. 30-94

1894

SERIAL No. 1

OFFICE OF THE DEWAN OF MYSORE

2583.

27 AUG 94

8857

Submitted for orders of the Excise Commissioner in Mysore

12/9 Draft reply as below.

11/9

1. The sale of opium is an evil to be restricted to the smallest sphere possible. The tendency of late has been to extend the evil & spread it to the widest extent simply to benefit a few in the trade. To take out a license & then exact the duties on encouraging instead of restraining the sale. There is no illustration of this spirit like the present case where two opium shops

2. In the present case the Dy: Com^r does not see that two shops are ample to meet the public demand & Govt will get a maximum Revenue by sustaining the two shops so as just to suffice for the wants of the city but he looks to secure things a little under the pretence of the two names of Govt & opium shops where 2 are under them enough.

3. Govt & public interests will be best served by giving the trader a fair & liberal trial. There is no argument between Govt & the trader in the letters & it is manifest that to make two traders with such different interests pay the same duty for the same article would not be equitable or just. The Dy: Com^r should not have mixed up two different items of license - Opium & Ganja must each be considered on its merits. The fee has been raised to Rs 10 with a surcharge of Rs 10 for the Bangalore under separate orders - Dy Com^r & Supdt have to report hereafter & it is very desirable that we get a very heavy duty they should be otherwise compensated & the fullest extent consistent with all the interests involved.

The orders of Govt must first be given effect to & the result reported after 12 months experience.

B.6

12/9/94

C. Sey

To

The Chief Secretary to the
Dewan of Mysore.

Dated 24th
Despatched 25 } August 1894
Received

Enclosures No. one

General No. 939 6a
No. 90

~~In reply to~~ With reference to Govt Proceedings No. C549 dated 27-6-94

SUBJECT.

Forwards copy of communication from the Deputy Commissioner, Bangalore District, and requests that under the circumstances therein represented the 3 opium shops at the Bangalore Town may be allowed to be retained.

References (to be entered only in the Dewan's Office.)

10/9

KS

A. No. 78.

21 A

Enclosure &c

Deputy Commissioners office
Bangalore District
23rd August 1894.

To

The Excise Commissioner
in Mysore.

Sir,

In reference to your No. 4252-59/203, dated 29th June 1894, I have the honor to report below, the average sale of opium at each shop in the city of Bangalore and the profits of the shopkeepers per month for 1893-94.

	Average sale per month	Profits from Opium	Profits from Ganja	Total
1. Venkatamma	21-4	39-11-0	17-0-0	56-11-0
2. Muhomed Imam	13-4	24-11-0	26-0-0	50-11-0
3. Mirza Saheb	10-0	18-12-0	13-0-0	31-12-0
4. Mahamed Saheb	6-19	12-7-9	13-0-0	25-7-9

2. The Government while passing their order communicated by your No. 4252-59/203, dated 29th June 1894 above referred to had the Statistics of 1891-92, when there were only 3 shops in the city. I believe the object of the Government in reducing the number of shops in certain places as in the City of Bangalore is not to restrain the sale and in consequence the consumption of the drugs, as when the number in a comparatively small area like the city, so reduced it will

will not reduce the total consumption but will only increase the sales at the shops left open. I therefore take the object of the Government to be to allow the licensees to make a profit large enough to maintain them. The first two licensees are of the 1st class and therefore pay Rs 10 a month for their license fee. They have also to pay a license fee of Rs 3 a month for the sale of Ganja and pay each a rent of Rs 4 a month for the shop. Thus their net profits are somewhat as follows:-

	Profits (opium fee)	Exchange fee	Ganja fee	Rent	Total	Net profits
Venkatamma	5 6-11-"	10-"-"	1-4-"	3-"-"	4-"-"	18-4-"	38-7-"
Mahomed Imam	5 0-11-"	10-"-"	"-"-"	3-"-"	4-"-"	17-"-"	33-11-"

The net profits shown above are per month and they represent an income large enough for the class to which the licensees belong. It is thus clear that there is no object gained by augmenting their income. If we close the other shops it should be on the ground that these latter do not yield a sufficiently large income. I shall consider their profits.

The 3rd man Mirza Saheb sells on the average 10 seers. This is below the standard for a 1st class. If his shop be considered a 2nd class shop with a fee of Rs 3 he sells

a

a monthly net profit of Rs 21-12 "
and if it is deemed a 1st class one his
profits amount to Rs 14-12-". In either case
I consider the income quite large e-
nough for him as our peons only get
6 or 7 Rs a month. He has had the shop,
I understand, for about 10 years and is
thus settled in the trade. It would fall
hard on him if we closed his shop
now. I should like to continue his
license if you would approve of it.

The fourth man's sales fall under
the 3rd class. He was licensed only in
February 1894. His license might be
cancelled unless you should like to
have him under the 3rd class.

I request early instructions.

I have &c

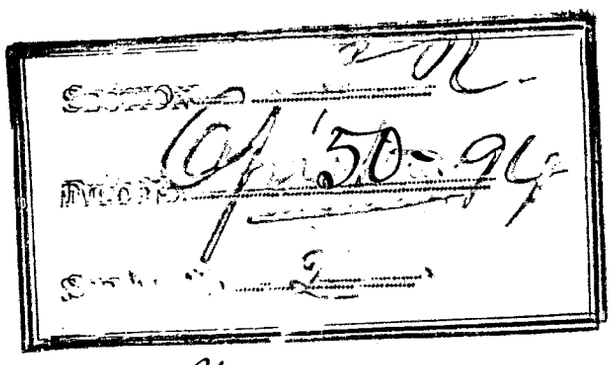
(Sgnd) J. M. Laing Mason
For Deputy Commissioner

"Copy"

Mr Betts

Excise Commissioner
in Mysore

J. S.



The Excise Comrs
in Mysore

Dy 23/27 Sept 94
No 5688/R888 Encl:

His letter no 939/90 Dy 24th Oct 94 recommending that the 3 Opium shops at the Bangalore town may, as represented by the Dy Comrs, be allowed to be retained.

In reply, has the honor to state that the sale of Opium is an evil to be restricted to the smallest sphere possible. The tendency of late has been to extend the evil and spread it out to the widest extent simply to benefit a few in the

In reply has the honor to state that for purposes of the orders contained in GO No 549 Dy 27 June last Opium shops have been considered by Govt to be the desire of Govt that those orders should be given effect to - So letter Dy 29/6/94

trader to enable them to make out a living
And thus cast the odium on
Govt, of encouraging instead
of restraining the spread
thereof The City of Bangalore
is an illustration of this, as
4 shops now exist, where
two are enough.

2. In the present case the
Dy Comr evidently does not see that
two shops are ample to meet
the public demand and
Govt will get a very fair
Rev: by curtailing the
number of shops soas to
just suffice for the wants
of the city but he looks
to serve Mirza, & sahebs
at the expense of the good
name of Govt and keeps
3 shops where 2 are more
than enough.

3. Govt and public interests
will be best served by giving
the trader a fair income &
do honest trading. There is

SECTION L. R.

Cons. Serial No. 50 - 2

SER 2 1895

No. 259

Name of Petitioner. Mahomed Sahib - s/o

Village. of late Kadem Abdul Sahib residing near

Taluk. Mangalore Taluk

District. Bangalore City - (per Sharanyan Rao Advocate)

Date of Arzi. 13-7-95

Date of Receipt. 16-7-95

Date of Disposal.

No. of Enclosures. 1

Submitted for order

24/ Arzi vide post

19/7 S. R.

ABSTRACT.

States that owing to the dispute between him and Mahomed Sahib as to the ownership of the Shop No. 2 in the Bangalore City the Shop will be auctioned on the 22 July 95 and prays:-

1. That orders may be issued to the Excise Comr. & the Dy. Comr. to stay the Sale of the Shop pending the result of this appeal -

2. That the records of the case may be sent for & the petitioners claims to succeed to his father's license may be considered -

3. That the license may be granted either in the name of the petitioner or for

I think I cannot interfere here & cannot be sure such an auction sale will be over before the 1st Aug. and the application may be completed. The Dy Comr may be asked to stay the sale, & to ascertain if there is any reconciliation as well as between the two persons. If this cannot be done, the Dy Comr must decide & his decision must be allowed to prevail, & the loser must seek his remedy in a civil suit. I hopeless of the chance of settling the dispute & getting a license for 1895-96: I shall dismiss the petition & inform the petitioner accordingly & also inform the Excise Comr that the Dy Comr may proceed in 19-7-95 to sell the shop to the highest bidder in the presence of both parties & their friends, but if no reconciliation can be effected & more than one person appears to bid, the Dy Comr must decide & his decision must be allowed to prevail, & the loser must seek his remedy in a civil suit. I hopeless of the chance of settling the dispute & getting a license for 1895-96: I shall dismiss the petition & inform the petitioner accordingly & also inform the Excise Comr that the Dy Comr may proceed in 19-7-95 to sell the shop to the highest bidder in the presence of both parties & their friends, but if no reconciliation can be effected & more than one person appears to bid, the Dy Comr must decide & his decision must be allowed to prevail, & the loser must seek his remedy in a civil suit.

SECTION [illegible]

FILE NO. 50-95

[illegible]

To
The Deputy Comr
Bangalore Dist
thro the Excise Comr
in Mysore

Dy 20th July 95

No 803
5x22

Sir:

In forwarding herewith petition Regd No 259 Dy 13th July 95 received from Mahamad Sahib of Bangalore Complaining against the sale by public auction of the drug Shop No 2 in the Bangalore City, has the honor to request that the Deputy Comr will be good enough to stay the sale and buy effect a reconciliation between the petitioner and Mahamad Imam Sahib the present holder of the Shop. 2. If this cannot be effected And more than one person applies for the shop for 1895-96, the right to vend must be sold

Has to report the result to this office at an early date
Q
20/7/95

by Public Auction.

B. O.
C
20-7-95

Rev Secy

Copy forwarded to Mahomed Sahib with reference to his petition of 13th July 95

No 804/Sx 23 of 20/7/95

B. O.

Rev. Secy

S. H. J.
20/7/95

REVENUE DEPARTMENT
Register No. 646
No. 8236
25 JUL. 95
DEWAN'S OFFICE.

From,

The Mysore Commissioner
in Mysore

To, The Revenue Secretary
to the Government of Mysore

SECTION S.R
FILE No. 30-94 Dated 21st July 1895
SERIAL No. 5 Despatched

Camp Mysore

General No: 325

Under col: Ofer
B 25/7/95 - Put up if fit
30/7/95 S.R.V.

The Revenue Secretary's No: 803/No. 22, dated 20th instant, to the Deputy Commissioner, Bangalore District.

~ o ~

States that the Petition of Mahamed Saib referred to in the above, has not been received.

Rev - Exer
Mysore

References putup.
JRL
29/7

30/7/95

Excise Commissioners
Office for Mysore.

25
31

Urgent

From,

The Excise Commissioner
in Mysore

To, The Revenue Secretary to the
Government of Mysore

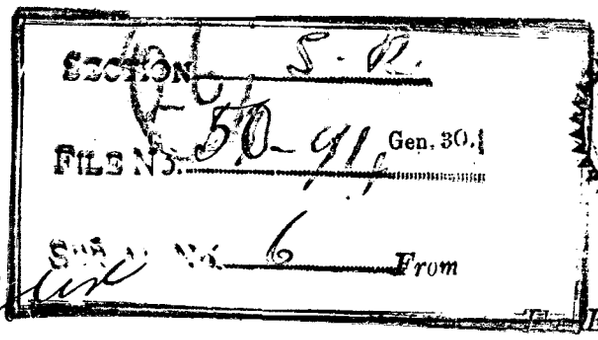
Dated 21st July 1895.
24
Camp Mysore

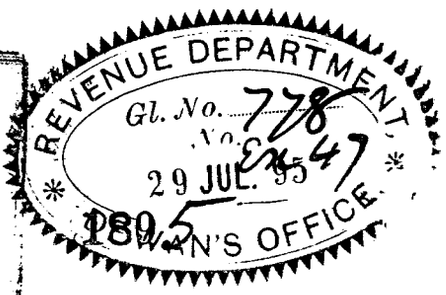
Sir,

Adverting to your docket No: 803, dated
M. 22
20th instant, to the address of the Deputy Commissioner, Bangalore District, I have the honor to state that the Petition No: 259, dated 13th July 1895, of Mahamed Saib of Bangalore, alluded to in the above, has not been received and that the docket under reference has, however, been forwarded to the Deputy Commissioner.

I have the honor to be
Sir,
your most obedient servant
Ruketts
Excise Commissioner
in Mysore
V.o.v

25





Per Exp

To the Excise Commissioner in Mysore.

24/7/95

To Revenue.

The ~~Chief~~ Secretary to the Government ~~Dewan~~ of Mysore.

Dated 24th
Despatched 28 } July 1895.
Received

Enclosure No. one

General No. 467
No. 40

In reply to Revenue Secretary's docket No. 803 dated 20th instant
Ex 22

SUBJECT.

Forwards copy of communication from the deputy Commissioner Bangalore district, reporting that the parties relating to the drug shop in question at the Bangalore city, have been reconciled Mahomed Saib being made a joint licensee holders with Imam Saib.

call for opinion file
& Exp: the Ex: Com^r —
in this Pet^n
S.H.

Submitted for perusal
& orders to file the papers
6/8/95
S.H.

File 4
7-8-95

References (to be entered only in the Dewan's Office.)

Please see Excise Comm^r's letter No 325 dated 21-7-95 with which the References are forwarded. 3/8

6/8/95

1895-96 Enclosure to 82

From

The Deputy Commissioner
Bangalore District

To

The Revenue Secretary to the
Government of Mysore.
through the Excise Commissioner
in Mysore
Bangalore

Dated 23rd July 1895

No. A. 39.

His No. 803 / Exc: 22 dated 20th instant

In reply, has the honor to state that the petition referred to, has not been received in this office. Begs to report, however, that the parties have been reconciled, and Mahomed Sab has been made a joint license-holder with Imam Sab.

(Signed) K. Chowdy
For Deputy Commissioner

"Copy"

Mukerji
Excise Commissioner
in Mysore

SECTION S. R. (30)
Exise.]
FILE No. 50-94
SERIAL No. 5
From

REVENUE DEPARTMENT
1895 No. 4644
Ex 254
14 DEC.
DEWAN'S OFFICE

Revenue Records

Please send back with papers quoted - viz:- 2476 Ex 69 & 2477 Ex 70 of 29/8/95 sent to you on 30/8/95 - with connected papers + oblige

SGR
7/12/95
Submitted

The Excise Commissioner in Mysore

To

Revenue
The Secy. to the Govt. of Mysore,

~~Dept~~.

11/1/96

The Shop Keeper is clearly entitled to what he asks for. The rules lay down the fees ing for each month and in the absence of a proviso that fractions are to be counted as a quarter, we cannot ask him to pay for the whole quarter, when his shop was opened only a fortnight before the close of the quarter. Submitted for orders -

9/1/96 HGL

I agree - Ruled accordingly
10/1/96.

Dated 12th
Despatched 14 December 1895
Received
General No. 2538
No. 238
Enclosure No. (9)

In reply to

SUBJECT

Submits copy of communication from the Deputy Commissioner Bangalore District and states that Mirza Saheb, the Opium and Ganja shopkeeper of the Bangalore city, is liable to pay the License fees in full only for the month of September 1895, but not for the whole quarter ended 30th September 1895

References (to be entered only in the Dewan's Office.)

Respectfully
14/12

No 2538
238 (E 9)

Excise Commissioner's Office
Bangalore 12th December 1895
14

From

The Excise Commissioner
in Mysore

To

The Revenue Secretary to the
Government of Mysore

Sir,

In submitting herewith, for the orders of Government, copy of docket No: 203, dated 5th instant, from the Deputy Commissioner, Bangalore District, together with its original enclosures (to be kindly returned), I have the honor to state that since the 3rd Opium and Ganja Shops of Petitioner Mirza Saheb at the city of Bangalore, were reopened only on the 14th September 1895, in accordance with Government Proceedings Nos: 2476/Ex 69 and 2477/Ex 70, dated 29th August 1895, I am of opinion that he is liable to pay the License fees in full only for the month of September 1895, but not for the whole quarter ended 30th September 1895 as demanded by the Deputy Commissioner.

I have the honor to be,
Sir,
your most obedient Servant
Ricketts
Excise Commissioner
M. S. in Mysore,

Enclosure

From

The Deputy Commissioner
Bangalore District

To

The Excise Commissioner
in Mysore
Bangalore

Dated 5th December 1895.

No: A 203.

Enclosures No: 8

With reference to his vernacular No. 337 dated 11th ultimo, forwarding for brief report the petition of Mirza Sahib License-holder of City drug shop No: III has the honor to state that the Government Proceedings prescribing the new scale of fees contemplate for the levy of fees, a period of not less than a quarter and direct the collection of fees for that period in advance. Mirza Sahib opened his shop on 14th September 1895, i, e in the latter part of the first quarter of the current year. Therefore he was ordered to pay the License fees for the first quarter in full. Head Supervisor's report No: 328 dated 25th November last with enclosures is herewith put up for reference

(Sd) M. Annaji Row
For Deputy Commissioner

"Copy" G Rutherford
Ag. S. Excise Commissioner in Mysore

SECTION S. R. Pros

FILE No. 50-94

SERIAL No. 9 Read :-

× 4644 Ex 254 R/1442-95

Letter No : 2538 / 238 D/ 12 / 14 / 12/95

from the Excise Comm in Mysore submitting copy of communication from the Deputy Commissioner, Bangalore District and stating the Nirjara Sahib is liable to pay the license fees in full only for the months of September 95 and not for the whole quarter ending 30th September 1895.

V.P.

Order Mercon No 8873-74 R/12 Ex. 255

Govt: observe that H Commissioner's opinion is, the rules lay down the fees for each month and in t absence of a proviso that fra are to be counted as a qua Nirjara Sahib No Shop-keeper cannot be asked to pay for the whole quarter, whe his shop was opened only a fortnight before the close of the quarter.

The Excise Comr. will dis. pose of the matter in accordance with the view-

HCh
Secretary 2/3

The Excise Comm in Mysore with the orignal enclosures.
" Comptroller, Mysore Govt.